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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,494	10/01/2003	Hiroyoshi Takamiya	03500.017689	4236

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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FIDLER, SHELBY LEE

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/674,494

Applicant(s)

TAKAMIYA, HIROYOSHI

Examiner

Shelby Fidler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 10/25/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Responsive to amendment filed on 10/17/2005.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 21-24, 26-29, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukaya (US 5316396).

**With regards to claims 19, 24, and 29**, Fukaya teaches an information processing apparatus (element 2, Figure 1) comprising:

A discrimination unit adapted to discriminate whether a first print mode is designated (panel switch 8, col. 2, lines 35-38); and

a transmission unit adapted (undefined electrical line between elements 2 and 6, Figure 1), if the discrimination unit discriminates that the first print mode is designated, to transmit to a printer a drawing command formed such that drawing positions are represented by coordinates relative to an origin that is defined at a specific position in a print sheet (col. 2, lines 19-26), and if the discrimination unit discriminates that the first print mode is not designated, to transmit to the printer a drawing command formed such that drawing positions are represented by coordinates relative to an origin that is defined at an edge of a print sheet (col. 3, lines 42-44).

**With regards to claims 21, 26, and 31**, Fukaya teaches that the transmission unit transmits information indicative of the first print mode together with the drawing command to the printer, if the discrimination unit discriminates that the first print mode is designated, and

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transmit information indicative of a second print mode together with the drawing command to the printer, if the discrimination unit discriminates that the first print mode is not designated (col. 3, lines 35-39).

**With regards to claims 22, 27, and 32**, Fukaya teaches that the printer performs drawing processing (col. 3, lines 35-39) by setting the specific position in a print sheet as a drawing origin, based on the information indicative of the first print mode (col. 2, lines 19-26), and performs drawing processing by setting the edge of a print sheet as a drawing origin, based on the information indicative of the second print mode (col. 3, lines 42-44).

**With regards to claims 23, 28, and 33**, Fukaya teaches that the specific position in a print sheet corresponds to a margin of a conventional PDL (col. 2, lines 24-26).

#### ***Claim Rejections - 35 USC § 103***

Claims 20, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukaya in view of Kuroi (US 6734986 B1).

**With regards to claims 20, 25, and 30**, Fukaya does not explicitly teach a notification unit. Kuroi discloses a notification unit adapted (col. 13, lines 11-14), if the discrimination unit discriminates that the first print mode is designated, to notify an application that a specific position in a print sheet is set as the origin, and if the discrimination unit discriminates that the first print mode is not designated, to notify the application that an edge of a print sheet is set as the origin (col. 4, lines 26-31 shows that the print data generation program has been notified of the selected print mode).

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 30 is dependent upon itself.

### ***Conclusion***

Applicant's arguments filed on 10/17/2005 have been fully considered but they are not persuasive. The amendments to the claims required further consideration and searching.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*SLF*

SLF

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